



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wade A. Mattar

Art Unit : 2856

Serial No. : 10/729,990

Examiner : Robert R. Raevis

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Title : FLOWMETER ZEROING TECHNIQUES

**MAIL STOP AF**

Commissioner for Patents

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REPLY TO ACTION OF SEPTEMBER 28, 2004

In reply to the Final Office Action of September 28, 2004, Applicant submits the following remarks.

Claims 1-38 are pending, and, of these, claims 3-14, 18-26, 29-35, 37, and 38 are currently withdrawn from consideration. Claims 1, 2, 15-17, 27, 28, and 36 have been examined, of which claims 1, 15, and 28 are independent.

Claims 1, 2, 15-17, 27, 28, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,272,438 to Cunningham et al. (Cunningham) in view of U.S. Patent No. 5,524,084 to Wang et al. (Wang).

In the response filed September 16, 2004, Applicant submitted that this rejection fails to establish a prima facie case of obviousness, and requested that the rejection be withdrawn. Specifically, Applicant submitted that no proper motivation was shown for combining Cunningham and Wang, because, for example, Cunningham teaches away from the proposed combination (e.g., the proposed combination would change the principle of operation of Cunningham), and further because Cunningham and Wang represent non-analogous art with respect to one another. Moreover, the rejection fails to establish a reasonable expectation of success for the proposed combination.

In maintaining the rejections, the Final Office Action addressed some, but not all, of the above-referenced arguments.

First, the Office Action does not appear to address Applicant's argument that no proper motivation was shown for the proposed combination, due to the fact(s) that Cunningham teaches